

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

No. 10-cr-320
(TJM)

ED GEORGE PARENTEAU,

Defendant.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

ORDER

Defendant Ed George Parenteau ("Parenteau") was arrested and appeared before the undersigned on June 22 and 23 and July 7, 21, and 22, 2010 upon an indictment alleging conspiracy and mail fraud in violation of 18 U.S.C. §§ 2, 1341, and 1349. Parenteau's conduct and demeanor during those appearances raises questions whether he is presently competent to proceed on the pending charges or to conduct or participate in his own defense. See United States v. Auen, 846 F.2d 872, 878 (2d Cir. 1988) (holding that defendant's consistent exhibition of bizarre behavior and beliefs in court proceedings, including persistent claim that compliance with the tax laws was voluntary and claim that his detention was an outlaw act by the Government, provided reasonable cause to warrant inquiry into defendant's competency, and failure to consider this issue during pretrial and trial proceedings constituted an abuse of discretion); see also United States v. Arenburg, 605 F.3d 164, 171-72 (2d Cir. 2010) (citing Auen and holding that district court has an affirmative duty to order a competency hearing sua sponte when a defendant exhibits "bizarre" or unusual behavior).

Here, among other things, Parenteau has repeatedly stated in court that he is entitled to be assisted by counsel who is not a lawyer, contends that the Court has no authority over him, contended at his arraignment that the entry of a plea of "not guilty" on his behalf¹ constituted a determination of his innocence mandating his release, and directed the Deputy United States Marshals to arrest the undersigned. Such conduct suffices to provide reasonable cause for the Court to order an examination and hearing concerning Parenteau's competency. Accordingly, it is hereby

ORDERED that:

1. A hearing shall be held on a date to be scheduled to determine the mental competency of Parenteau to stand trial and to conduct and participate in the preparation of his defense;
2. Pursuant to 18 U.S.C. § 4241(b), a psychiatric or psychological examination of Parenteau shall be conducted prior to said hearing and a report of that examination shall be filed with the Court and served upon counsel for both parties and Parenteau pursuant to 18 U.S.C. § 4247(b) and (c);
3. In accordance with 18 U.S.C. § 4247(b), Parenteau is committed to the custody of the Attorney General for a period not to exceed thirty days for placement in a suitable facility for the conduct of the psychiatric or psychological examination; and
4. Pursuant to 18 U.S.C. 3161(h)(1)(A), the period from July 22, 2010 to the date of the ruling on the competence of Parenteau to stand trial or to conduct or participate in the preparation of his defense shall be excluded from calculations under the Speedy

¹Parenteau refused to enter a plea himself.

Trial Act.

IT IS SO ORDERED.

Dated: July 22, 2010
Albany, New York



United States Magistrate Judge